

Serial No. 10/802,953
Art Unit: 3766
Page 5 of 6

REMARKS

In the non-final Office Action claims 1-17 are pending and rejected.

Herewith Applicant cancels claims 9 and 18-20 without prejudice or disclaimer as to the subject matter thereof, amends claims 1-8, 10, 15, and 16 and adds no new claims. In addition, two pages of informal drawing sheets were objected to; accordingly, Applicant herewith submits formal versions of said drawing sheets (FIGS. 1, 2, and 8) for entry and review by the official draftsman.

Applicant respectfully requests entry and favorable consideration of the amendments and remarks presented herewith.

Claim Rejections Under 35 U.S.C. §102

Claims 1, 2, 12, 14, and 15 stand rejected as allegedly anticipated by the '987 patent to Baumann et al. (Baumann) and claims 1-5 and 12-17 stand rejected as allegedly anticipated by the '889 patent to Chinchoy (Chinchoy).

Applicant respectfully suggests that neither Baumann nor Chinchoy discloses *each and every* recited claim limitation of the sole independent claim, claim 1 (as amended) and thus neither Baumann nor Chinchoy can be said to anticipate independent claim 1 or any of the claims depending therefrom.

Claim Rejections Under 35 U.S.C. §103

Claims 4, 6, 7, and 13 stand rejected as allegedly being unpatentable over Baumann in view of the '392 patent to Ferek-Petric (Ferek-Petric).

Applicant respectfully suggests that neither Baumann nor Ferek-Petric discloses or suggests the invention claimed herein. Specifically, neither

Serial No. 10/802,953
Art Unit: 3766
Page 6 of 6

reference offers any guidance or disclosure relating to the notion of using a tensiometric sensor to deliver ventricular (cardiac) resynchronization therapy or CRT. Since the foregoing therapy is specifically claimed in the appended, amended claim set, the presently constituted obviousness rejection fails and should be withdrawn.

Applicants respectfully assert that upon entry of this Amendment all presently-pending claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims.

Specifically, the claims have been amended so that they include limitations not found in the prior art (alone or in combination).

Please charge any additional fees or credit any overpayment to deposit account number 13-2546. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Respectfully submitted,

1 Feb. '06
Date

Paul H. McDowall
Paul H. McDowall
Reg. No. 34,873
(763) 514-3351
Customer No. 27581